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Case Management System - KY Public Service Commission*Merchant Plant Applications Cases Before the Commission as of October 22, 2009***2002-00172**

RECEIVED: 06/10/04

FILED: 06/14/04

FINAL:

REOPENED:

SUSPENSION DATE:

CASE NATURE: Estill County Energy Partners, LLC, coal combustion/electric generating facility (Electronic case)

CASE CODE

Merchant Plant - Deadline for Requesting
 Deadline for Public Hearings, Board
 Board Decision Due
 Electronic Case

INTERVENORS: DLX and Harry LaViers,

HEARINGS:

08/24/04 Formal Hearing
 08/05/04 Public Meeting

INDEX OF EVENTS:

(M)05/16/02 Notice of Intent to file an integrated waste coal combustion and electric generating facility in Estill County, KY / Lisa Underwood
 (M)05/16/02 Faxed copy of Notice of Intent to File for a Merchant Power Plant construction certificate in Estill County, KY / Lisa Underwood
 05/17/02 Electronic filing account and password sent to Lisa E. Underwood for Estill County Energy Partners.
 05/17/02 Acknowledge receipt of notice of intent to file an integrated waste coal combustion and electric generating facility in Estill County, KY
 05/17/02 Letter to Governor Paul E. Patton to request local appointments to the Board.
 (M)06/10/04 Estill County Energy Partners, LLC application for certificate to construct a merchant electric generating facility in Estill County, KY / Lisa Underwood
 (M)06/14/04 Electronic filing- Application for Certificate to Construct Electric Generating Facility / Gerard Mack
 (M)06/14/04 Electronic filing Estill County Energy Partners, LLC -- Application for Certificate to Construct Electric Generating Facility - Exhibits M through U / Gerard Mack
 (M)06/14/04 Electronic filing Estill County Energy Partners, LLC -- Application for Certificate to Construct Electric Generating Facility - Exhibits M through U / Gerard Mack
 (M)06/16/04 Confirmation sheet for electronic filings / Gerard Mack
 06/17/04 Acknowledge Receipt of Application with filing date of June 14, 2004
 (M)06/21/04 Governor Fletcher's Executive Order of reappointment / Kelly Flynn
 07/02/04 Notice of Procedural Schedule entered:
 Motion to Intervene due July 14, 2004
 Request for Public Hearing due July 14, 2004
 Intervenors and Staff Data Requests due July 21, 2004
 Responses to Data Requests due July 28, 2004
 Parties Direct Testimony due August 4, 2004
 Parties List of Witnesses for hearing due August 19, 2004
 Public Hearing at 10:00 a.m. at PSC offices August 24, 2004
 Briefs due September 7, 2004
 Decision due October 12, 2004
 (M)07/08/04 Lisa Baber request a public hearing / Lisa Baber
 (M)07/08/04 Cynthia Cusick request a public hearing / Cynthia Cusick
 07/09/04 Staff's First Data Request to Estill County Energy Partners, LLC, response due 7/28/04.
 (M)07/13/04 Delores L. Rowland Request for public Hearing / Delores Rowland
 (M)07/13/04 Bonnie Morris Request for public Hearing / Bonnie Morris
 (M)07/13/04 Tracy R. Patrick Request for public Hearing / Tracy Patrick
 (M)07/14/04 DLX, Inc. and Harry LaViers, Jr., Motions to Intervene and to schedule an evidentiary hearing and application to file electronically / Wayne Collier
 (M)07/14/04 Motion of Will Herrick for Full Intervention / Will Herrick
 07/14/04 Memorandum dated July 14, 2004 for Team Site Visit to Estill County Energy Partners' proposed power plant; Comments, if any, due within five days of receipt.
 07/15/04 Letter to AEP, ULH&P, East KY, LG&E requesting statement if Estill County Energy project would any upgrades to transmission systems be required, response due July 23, 2004
 07/16/04 Letter to Tracy R. Patrick, Cynthia Cusick, Lisa Baber, Delores L. Rowland, Bonnie Morris in response
 07/16/04 Notice of Additions to Procedural Schedule entered:
 Motion to Intervene due July 14, 2004
 Request for Public Hearing due July 14, 2004
 Intervenors and Staff Data Requests due July 21, 2004
 Responses to Data Requests due July 28, 2004
 Siting Board visit to site at 10:00 a.m. August 2, 2004

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Parties Direct Testimony due August 4, 2004
 Public hearing at 7:00 p.m. in the Upstairs Courtroom of Estill County Courthouse on August 5, 2004
 Parties List of Witnesses for hearing due August 19, 2004
 Public Hearing at 10:00 a.m. at PSC offices August 24, 2004
 Briefs due September 7, 2004
 Decision due October 12, 2004
 07/19/04 Letter to Big Rivers and Tennessee Valley Authority requesting statement if Estill County Energy project would any upgrades to transmission systems be required, response due July 26, 2004
 (M)07/20/04 Estill County Energy Partners' response to Motion of Will Herrick for Full Intervention and Response opposing motions to intervene and to schedule an evidentiary hearing of DLX, Inc. and Harry Laviers, Jr., Trustee / Lisa Underwood
 07/21/04 Board Staff's second data request to Estill County Energy Partners, LLC., response due July 28, 2004
 07/21/04 Board Staff's first data request to DLX, Inc. and Harry Laviers, Jr., response due July 28, 2004
 (M)07/21/04 DLX and the Maxie Laviers trust data requests / Wayne Collier
 07/21/04 Order granting motions of Will Herrick and DLX, Inc., and Harry LaViers, Jr., intervention
 (M)07/21/04 Intervenor Will Herricks first data request to Estill County Energy Partners / Thomas FitzGerald
 (M)07/21/04 Thomas J. FitzGerald entry of appearance on behalf of Will Herrick / Thomas FitzGerald
 (M)07/22/04 Review & Evaluation of Estill County Energy Partners site assessment report / Brighton A & E
 (M)07/22/04 FAX copy of ULH&P's response to letter dated July 15, 2004 / John Procaro
 (M)07/23/04 FAX copy from East KY Power response to July 15 letter advising will not need upgrades to transmission system / Paul Atchison
 07/23/04 Order entered the Board will not adjudicate the merits of the real estate claims described in the DLX motion to intervene or any other issues beyond those delegated to it by Chapter 278 of the KRS; the August 24 hearing in Frankfort satisfies DLX's request for an evidentiary hearing, the Board denies its motion for an additional evidentiary hearing; the Board reaffirms its Order granting the DLX and Herrick interventions.
 (M)07/23/04 KU's response to July 15, 2004 letter confirming that upgrades to transmission system will be required / Michael Beer
 (M)07/26/04 American Electric Power's response to July 15, 2004 letter advising no upgrades required to transmission system / Errol Wagner
 (M)07/26/04 ULH&P original letter to fax received 7/22 / John Procaro
 (M)07/26/04 FAX copy of Big Rivers response to July 19, 2004 letter, advising no upgrades to transmission system / David Spainhoward
 (M)07/27/04 Economic Development PROXY appointment of J.R. Wilhite / Gene Strong
 (M)07/28/04 Big Rivers original letter to fax received 7/26 / David Spainhoward
 (M)07/28/04 Responses of DLX and Harry Laviers, Jr., trustee, to the Board Staff's first data request including CD and Maps which are not electronically filed / Wayne Collier
 (M)07/28/04 Electronic filing Estill County Energy Partners, LLC -- Response to Board Staff's First Data Request / Gerard Mack
 (M)07/28/04 Electronic filing -- Proof of Notice of publication regarding the public hearing / Lisa Underwood
 (M)07/28/04 Electronic filing Estill County Energy Partners, LLC -- Response to Board Staff's Second Data Request / Gerard Mack
 (M)07/28/04 Electronic filing Estill County Energy Partners, LLC -- Objections and Responses to DLX's and the Maxie Laviers Trust's Data Requests / Gerard Mack
 (M)07/28/04 Electronic filing Estill County Energy Partners, LLC -- Objections and Responses to Will Herrick's First Data Request / Gerard Mack
 (M)08/04/04 Electronic filing Lisa E. Underwood; OnBehalfOf:Estill County Energy Partners, LLC -- Direct Testimony of Gerard B. Mack and Direct Testimony of Dell Jaggars / Lisa Underwood
 (M)08/09/04 TVA's response to July 19, 2004 letter advising no impact on transmission system and requesting Estill representative contact to discuss / John Gardner
 (M)08/12/04 Michael W. Wells public comment / Michael Wells
 (M)08/12/04 Original copy of Estill's Motions for Admission Pro Hac Vice for Joseph Tirone & Stephen Watts / Lisa Underwood
 08/12/04 Siting Board summary of August 5, 2004 local public meeting
 (M)08/12/04 Electronic filing Estill County Energy Partners, LLC -- Motion for Admission Pro Hac Vice for Joseph Tirone / Lisa Underwood
 (M)08/12/04 Electronic filing Estill County Energy Partners, LLC -- Motion for Admission Pro Hac Vice for Stephen Watts / Lisa Underwood
 (M)08/17/04 Original of Estill's proof of notice of the evidentiary hearing / Lisa Underwood
 (M)08/17/04 Electronic filing Estill County Energy Partners, LLC -- Proof of Notice regarding Evidentiary Hearing / Lisa Underwood
 08/18/04 Order entered admitting Stephen H. Watts, II as co-counsel representing Estill County Energy Partners
 08/18/04 Order entered admitting Joseph G. Tirone as co-counsel representing Estill County Energy Partners
 (M)08/19/04 Witness List for intervenor Will Herrick / Thomas FitzGerald
 (M)08/19/04 DLX's and Harry Laviers, Jr., Trustee's Witness Lists / Wayne Collier
 (M)08/19/04 Original of Estill County Energy Partners List of Witnesses and Summary of Testimony / Lisa Underwood

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(M)08/19/04 Electronic filing Estill County Energy Partners, LLC -- List of Witnesses and Summary of Testimony of Estill County Energy Partners, LLC / Lisa Underwood

(M)08/20/04 TVA supplements August 6 letter advising have requested information from Estill for a more appropriate analysis / John Gardner

(M)08/24/04 DLX's and Harry Laviers, Jr., trustee's Motion to Dismiss and Memorandum / Wayne Collier

(M)08/31/04 Hearing Transcript of Evidence held August 24, 2004 / Connie Sewell

(M)08/31/04 Electronic Filing of Estill County Energy Partners, LLC's Response to Post-Hearing Data Requests / Lisa Underwood

(M)09/01/04 Original paper copy of DLX and the Trust Certificate of Service and two exhibits introduced at the hearing held on August 24, 2004 / Wayne Collier

(M)09/13/04 Original paper copy of Estill's post-hearing brief / Lisa Underwood

(M)09/13/04 FAX copy of Estill's electronic confirmation of post-hearing brief / Lisa Underwood

(M)09/13/04 Electronic Filing of DLX's and Harry LaViers, Jr., Trustee's Hearing Brief and Amended Dismiss and Motion to Strike Testimony / Wayne Collier

(M)09/13/04 Electronic filing Estill County Energy Partners, LLC -- Post-Hearing Brief / Lisa Underwood

(M)09/14/04 Original paper copy of DLX's and Harry Laviers, Jr., trustee's hearing brief and amended dismiss and motion to strike testimony / Wayne Collier

(M)09/14/04 Original paper copy of post-hearing brief of intervenor Will Herrick / Thomas FitzGerald

(M)09/24/04 Tennessee Valley Authority followup to August 6 and 18 letters, completed study / John Gardner

10/12/04 Order entered: Estill County Energy Partners, by 10/22/2004, shall either file a written statement indicating whether it accepts conditions and commitment set forth in Order and Appendix, or file statement indicating it will defer filing such statement until after issuance of Board's subsequent Order ruling on supplemental assessment report

(M)10/20/04 Original paper copies of written statement of Estill County in response to Board's October 12, 2004 Order / Lisa Underwood

(M)10/20/04 Electronic filing Estill County Energy Partners, LLC -- Written Statement of ECEP in Response to the Board's October 12, 2004 Order / Lisa Underwood

(M)05/31/05 Electronic filing Estill County Energy Partners, LLC -- Motion to Withdraw / Lisa Underwood

(M)06/01/05 Original copy and copies of Estill County Energy Partners Motion to Withdraw / Lisa Underwood

06/02/05 Order entered granting motion to withdraw, within 20 days ECEP shall advise the Board in writing of the identity of its new local counsel, and its new counsel shall file an Entry of Appearance with the Board

(M)06/21/05 Notice of appearance as counsel for Estill County Energy Partners / D. Duane Cook

07/12/05 Order entered: Estill County Energy Partners is assessed a supplemental application fee of \$30,000, which shall be remitted to the Board with its supplemental site assessment report, but no later than 6/15/2007

(M)06/13/07 Motion to delay filing of supplemental site assessment report and payment of supplemental fee / D. Duane Cook

06/13/07 FilerFullName:D. Duane Cook; OnBehalfOf: -- Motion for Extension of Time

07/02/07 Order entered granting an extension of time until September 15, 2007 to comply with the Board's July 12, 2005 Order.

08/07/07 First reminder letter for information to be filed by utility in response to 10/12/04 Order; response now due 9/7/07

09/04/07 FilerFullName:Michael Burford; OnBehalfOf:Estill County Energy Partners, LLC -- Annual Reports for 2004, 2005 2006

09/11/07 FilerFullName:Michael Burford; OnBehalfOf:DLX Harry Laviers, Jr. Trustees -- Response to ECEPs Annual Reports

(M)09/13/07 application fee check in the amount of \$30,000 / Dell Jagers

10/12/07 FilerFullName:Michael Burford; OnBehalfOf:Estill County Energy Partners -- 2007 Annual Report

(M)12/15/08 Estill County Energy Partners, LLC Annual Report for 2008 / D. Duane Cook

Total Number of Cases: 1